

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

Brooks Banker,	:
Plaintiff,	:
	:
v.	: Docket No. 2:08 CV 122
	:
Carl Moulton,	:
Defendant.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed October 17, 2013. Defendant's objection was filed November 4, 2013.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

Banker raises a number of factual objections to the Report, including reasons for the stay, the frequency of filings of reports by Attorney Harris during the stay, the amount of abatement sought by Plaintiff, and the reasons for the sale of the property to be cancelled. None of those disputes of fact are material to resolution of Moulton's counterclaims and Counts

One and Two of the Amended Complaint.

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

Dated at Burlington, in the District of Vermont, this 5th day of November, 2013.

/s/ William K. Sessions III  
William K. Sessions III  
U.S. District Court Judge